

Panaji, 10th April, 2003 (Chaitra 20, 1925)

SERIES II No. 2

OFFICIAL GAZETTE



GOVERNMENT OF GOA

SUPPLEMENT

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

No. 10/4/99-LA(VOL.I)

The following Orders dated 28-4-2000, 25-4-2000 and 24-4-2000 received from the Government of India, Ministry of Mines & Minerals, Department of Mines, the Controller of Mining Leases for India, Nagpur, under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956 is hereby published for general information of the public.

Ashok N. P. Dessai, Under Secretary (Law).

Panaji, 22nd May, 2000.

GOVERNMENT OF INDIA

MINISTRY OF MINES & MINERALS

DEPARTMENT OF MINES

THE CONTROLLER OF MINING LEASES FOR INDIA

Order

Case No. CML/Z-88/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas 12 (twelve) cases were registered for the modification of terms of 12 mining leases dated as per enclosed list for Fe/Mn held by M/s. Sociedade Femento Pvt. Ltd., Goa for permanent period, area 858.0061 hectares in Village(s) as per enclosed list, district South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) **Area:** The area of the 12 (Twelve) lease(s) is limited to 858.0061 hectares only.
- (ii) **Period:** No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 28th April, 2000.

ANNEXURE I

Details of 12 (Twelve) Mining Leases

Name of the lessee and address: M/s. Sociedade Femento Pvt. Limited, Villa Flores da Silva, Erasmo Carvalho Street, Post Box No. 31, Margao, Goa-403601.

Sl. No.	Case No.	Denomination of the Mines	Village/Taluka & District	Mineral(s)	Number, date & title	Area in (hects)
1	2	3	4	5	6	7
1.	Z-88	Chivanritembe	Dongor, Sanguem, South Goa.	Fe/Mn	7 of 9-2-1951	92.6600
2.	Z-70	Devadongor	Rivona, Sanguem, South Goa.	Fe/Mn	31 of 7-7-1950	61.6447
3.	Z-194	Vaiginidongor	Salginem, Sanguem, South Goa.	Fe/Mn	44 of 5-5-1952	22.0500
4.	Z-195	Cormale Bag	Cudnem, Bicholim, North Goa.	Fe/Mn	45 of 5-5-1952	40.5600
5.	Z-238	Capilangonem	Sigao, Sanguem, South Goa.	Fe	88 of 7-11-1952	93.9900
6.	Z-267	Quelchem Tour	Cudnem, Bicholim, North Goa.	Fe	14 of 2-2-1953	73.7340
7.	Z-387	Manfeagudoto	Verlem, Sanguem, South Goa.	Fe/Mn	133 of 18-12-1953	97.5000
8.	Z-562	Suryagalmodi	Bhati, Sanguem, South Goa.	Fe/Mn	21 of 20-5-1957	59.2400
9.	Z-103	Moliadongor	Todou of Verlem, Sanguem, South Goa.	Fe/Mn	23 of 30-3-1951	69.3524
10.	Z-466	Bonfumollo	Molem, Sanguem, South Goa.	Fe	19 of 9-7-1955	99.0000
11.	Z-341	Cornol	Colomba, Sanguem, South Goa.	Fe/Mn	88 of 11-8-1953	53.3750
12.	Z-392	Pigadapada	Verlem of Neturlim, Sanguem, South Goa.	Fe/Mn	138 of 18-12-1953	94.9000
Total of 12 Leases :						858.0061

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 28th April, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-88/2000

Name of the lessee : M/s. Sociedade Femento Pvt. Ltd.,
Villa Flores de Silva,
Erasmo Carvalho Street,
P. B. No. 31, Margao-Goa 403 601.

Date of the lease :
Mineral(s) :
Area and Location :
Period : Unlimited

As per enclosed list

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause

notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee – M/s. Sociedade Femento Pvt. Ltd., Goa and the lessor – the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated held by the lessee.

3. The case was also taken up for hearing on 9-12-1999 and 21-2-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 9-12-1999 and 21-2-2000 at Goa the lessee was represented by his Advocate/representatives. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 29-11-1999, 31-01-2000 & 3-02-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The

Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the Mines & Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines & Minerals (Regulation & Development) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 28th April, 2000.

Order

Case No. CML/Z-166/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas 13 (thirteen) cases were registered for the modification of terms of 13 mining leases dated as per enclosed list for Iron & Manganese held by M/s. Panduranga Timblo Industries, P.B. No. 242, Margao, Goa, for permanent period, area 885.5285 hectares in Village(s) as per enclosed list, district South Goa, of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) **Area:** The area of the 13 (thirteen) leases as per list enclosed is limited to 885.5285 hectares only.
- (ii) **Period:** No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.

(iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 28th April, 2000.

ANNEXURE I

Details of 13 (thirteen) Mining Leases

Name of the lessee M/s. Panduranga Timblo Industries, Subhash Timblo Bhavan,
and address : Post Box No. 242, Margao, Goa.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka District	Minerals	Number, date & title	Area in (hects)
1	2	3	4	5	6	7
1.	Z-166	Ambegal Jedit Moddi	Salgini, Sanguem, South Goa.	Fe/Mn	16 of 25-2-1952	62.7050
2.	Z-453	Marietta	Sonshi, Satari, North Goa.	Fe	6 of 18-2-1955	26.6720
3.	Z-482	Moucocal Dichimodi	Pale, Bicholim, North Goa.	Fe	35 of 13-8-1955	37.5000
4.	Z-393	Murmunem	Melaui, Satari, North Goa.	Fe/Mn	139 of 18-12-1953	70.9112
5.	Z-314	Bondra-Advona	Codli, Sanguem, South Goa.	Fe	61 of 3-7-1953	96.2780
6.	Z-561	Oiteiro Fanascantom	Quirapale, Codli, Sanguem, South Goa.	Fe	20 of 20-5-1957	100.0000
7.	Z-391	Sailetembo	Sangod, Sanguem, South Goa.	Fe	137 of 18-12-1953	99.6060
8.	Z-340	Advona-Tollien Ottee Galiguro	Shigao, Sanguem, South Goa.	Fe	87 of 7-9-1953	50.4000
9.	Z-231	Eroca	Neturlim, Sanguem, South Goa.	Fe/Mn	81 of 26-9-1952	36.1000
10.	Z-397	Chafeadongor	Verlem, Sanguem, South Goa.	Mn	143 of 18-12-1953	99.5800
11.	Z-5	Bandem Dongor Cumbia Dongor	Verlem, Sanguem, South Goa.	Mn	1 of 19-3-1941	64.5000
12.	Z-440	Caxi Mordi	Salgini, Sanguem, South Goa.	Mn	42 of 26-11-1954	51.7763
13.	Z-73	Borga	Rivona, Sanguem, South Goa.	Fe/Mn	34 of 2-10-1950	89.5000

Total of 13 Leases :- 885.5285 hecets.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-166/2000

Name of the lessee : M/s Panduranga Timblo Industries,
Subhash Timblo Bhavan,
P. B. No. 242, Margao, Goa.

Date of the lease :
Mineral(s) : } As per enclosed list.
Area and Location : }
Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - M/s. Panduranga Timblo Industries, Margao, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated as per enclosed list held by the lessee.

3. The case was also taken up for hearing on 9-12-1999 & 21-2-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 9-12-1999 & 21-2-2000 at Goa, the lessee was represented by his advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.

- ii) affidavit(s) dated 4-12-1999 & 5-2-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.
- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the Mines & Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines & Minerals (Regulation & Development) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases of India.

Nagpur, 28th April, 2000.

Order

Case No. CML-Z-806/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 18-07-1952 (62A/52) for Iron ore held by M/s. D. B. Bandodkar & Sons Pvt. Ltd., Panaji, Goa-403001 for permanent period area 48.4392 hectares in Village(s) Velguem, Taluka Bicholim, district North Goa, of Goa.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the above lease is limited to 48.4392 hectares only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of

mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases of India.

Nagpur, 28th April, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-806/2000

Name of the lessee : M/s. D. B. Bandodkar & Sons
Pvt. Ltd. Second Floor,
Atmaram Commercial Complex,
Dr. Atmaram Borkar Road, Post
Box No. 271, Panaji, Goa-403001.

Date of the lease : 18-07-1952 (62-A/52)

Mineral(s) : Iron Ore

Area and Location : Village - Velguem
Taluka - Bicholim,
District - North Goa.

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - M/s D. B. Bandodkar & Sons Pvt. Ltd., Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 18-07-1952 held by the lessee.

3. The case was also taken up for hearing on 11-04-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 11-04-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived

by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.

- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 10th April, 2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the Mines & Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines & Minerals (Regulation & Development) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 28th April, 2000.

Order

Case No. CML-Z-51/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 27-2-1950 (T. C. 12/50) for Iron & Manganese ore held by Shri Shaikh Abdul Shakoor, Kadar Manzil, Post Box No. 34, Margao, Goa 403 601 for permanent period, area 100.0000 hectares in Village(s) Netorlim, Taluka Sanguem, district South Goa, State of Goa.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 100.0000 hectares only.
- (ii) Period: No change is made as the period of the Lease(s) is already modified as per provisions of the Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.

- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 28th April, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML-Z-51/2000

Name of the lessee : Shri Shaikh Abdul Shakoor
Kadar Manzil, P. B. No. 34,
Margao, Goa 403 601.

Date of the lease : 27-2-1950 (12/50)

Mineral(s) : Iron and Manganese ore

Area and Location : 100.0000 hecets.
Vill.: Netorlim
Taluka: Sanguem
Dist.: South Goa
State: Goa

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the

above mentioned mining lease was sent to the lessee - Shri Shaikh Abdul Shakoor, Margao, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 27-2-1950 held by the lessee.

3. The case was also taken up for hearing on 14-1-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 14-1-2000 at Goa, the lessee was represented by his advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 7-1-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the

amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the Mines & Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines & Minerals (Regulation & Development) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 28th April, 2000.

Order

Case No. CML/Z-6/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining leases dated 19-3-1941 (3/41) for

Manganese held by Shaikh Hassan, legal heir of Shaikh Abdul Kadar, Bansai, Curchorem, Goa 403 706 for permanent period, area 55.0000 hectares in Village(s) Bhati, Taluka Sanguem, district South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of above lease is limited to 55.0000 hectares, only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 28th April, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML-Z-6/2000

Name of the lessee : Shaikh Hassan
legal heir of Shaikh Abdul Kadar
Bansai, Curchorem, Goa 403 706.

Date of the lease : 19-3-1941 (3/41)

Mineral(s) : Manganese

Area and Location : 55.0000 hectares
Village: Bhati, Taluka; Sanguem
Distt.: South Goa, State: Goa.

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee – Shaikh Hassan, Curchorem, Goa and the lessor – the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 19-3-1941 held by the lessee.

3. The case was also taken up for hearing on 21-2-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 21-2-2000 at Goa the lessee was represented by his Advocate/representatives. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 18-2-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.
- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the Mines & Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which

confers powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines & Minerals (Regulation & Development) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 28th April, 2000.

Order

Case No. CML/Z-268/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas two (2) cases were registered for the modification of terms of two (2) mining leases dated as per enclosed list for Iron ore held by M/s. Orient (Goa) Pvt. Ltd., Goa for permanent period, area 87.3220 hectares in Village(s) as per enclosed list, district North Goa, of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the two lease(s) is limited to 87.3220 hectares only.

(ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.

(iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 28th April, 2000.

ANNEXURE I

Details of 2 (two) Mining Leases

Name of the lessee and address : M/s. Orient (Goa) Pvt. Limited, 2nd Floor, Atmaram Commercial Complex, Dr. Atmaram Borkar Road, Post Box No. 264, Panaji, Goa 403 001.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka District	Minerals	Number, date & title	Area in (hects).
1	2	3	4	5	6	7
1.	Z-268	Bibel-Patta	Neturlim, Sanguem, South Goa, Goa.	Iron ore	15 of 2-3-1953	58.3500
2.	Z-395	Souti-Gundo	Nanus, Usgao, Bicholim, North Goa	Iron ore	141 of 18-12-1953	28.9720
						Total 87.3220 hects.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-268/2000

Name of the lessee : M/s. Orient (Goa) Pvt. Ltd., 2nd Floor, Atmaram Commercial Complex, Dr. Atmaram Borkar Road, Post Box No. 264, Panaji, Goa 403 001.

Date of the lease :
Mineral(s) :
Area and Location :
Period : } As per enclosed list.
Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause

notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee – M/s. Orient (Goa) Pvt. Ltd., Goa and the lessor – the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 2-3-1953 & 18-12-1953 held by the lessee.

3. The case was also taken up for hearing on 14-1-2000 & 11-4-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 14-1-2000 & 11-4-2000 at Goa, the lessee was represented by his advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 12-1-2000 & 10-4-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining businesses in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the Mines & Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines & Minerals (Regulation & Development) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 28th April, 2000.

Order

Case No. CML/Z-55/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas 7 (seven) cases were registered for the modification of terms of a 7 mining leases dated as per enclosed list for Fe/Mn held by M/s. Raghuvir N. Lotlikar, Margao, Goa, for permanent period, area 430.7122 hectares in Village(s) as per enclosed list, district South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows :

- (i) **Area:** The area of seven leases as per enclosed list is limited to 430.7122 hecets.
- (ii) **Period:** No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu, Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:—

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 27th April, 2000.

Details of 7 (seven) Mining Leases.

Name of the Lessee & Address: M/s. Raghuvir N. Lotlikar, Mines owner,
Post Box No. 25, Margao-Goa.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka & District	Minerals	Number date & title	Area in (hects.)
1	2	3	4	5	6	7
1.	Z-55	Bonquidongor or Bonquiteambo	Verlem Sanguem	Fe/Mn	16 of 13-3-1950	56.5812
2.	Z-253	Palcatembo or Cotlem da	Netorlim Sanguem	Fe/Mn	103 of 15-12-1952	49.7920
3.	Z-512	Lalbag Ou Maticho Zaga	Carapur Bicholim	Fe/Mn	23 of 2-5-1956	24.6000
4.	Z-54	Banda Dongor	Verlem Sanguem	Fe/Mn	15 of 13-3-1950	70.2890
5.	Z-511	Xeme - Vain anchea dongor	Carapur Bicholim	Fe/Mn	22 of 2-5-1956	97.2100
6.	Z-760	Cola Dongor	Billiem Sanguem	Fe/Mn Manganese	81 of 16-11-1959	72.3000
7.	Z-510	Xeme - Vain anchea donger	Maina Quepem	Fe/Mn	21 of 2-5-1956	59.940

Total area of seven leases: 430.7122hects.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-55/2000

Name of the lessee : M/s Raghuvir N. Lotlikar,
 Mines owner,
 P. O. Box No. 25,
 Margao, Goa.

Date of the lease :
 Mineral(s) : } As per enclosed list.
 Area and Location :

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposal for modification of the above mentioned mining lease was sent to the lessee M/s. Raghuvir N. Lotlikar, Margao Goa and the lessor - the Government of Goa calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated as per enclosed list held by the lessee.

3. The case was also taken up for hearing on 21-02-2000 & 11-4-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 21-02-2000 & 11-4-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i.e 23-5-87 under Section 5 of

Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 7-3-2000 duly signed by the lessee/attorney to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder.

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceeding from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Act are consistent & Section 16 of MM(R&D) Act, 1957

made applicable to all lease(s) of Goa State vide Government notification w. e. f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th January, 1966 which confers the powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 27th April, 2000.

Order

Case No. CML/Z-76/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas 2 (two) cases were registered for the modification of terms of 2 (two) mining leases dated as per enclosed list for Iron ore & Manganese held by Firm M/s. Panduronga Timblo Industries, Subhash Timblo Bhavan, P. B. No. 242, Margao, 403601 Goa, for permanent period, area 111.8570 hectares in Village(s) as per enclosed list, district South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows :

- (i) Area: The area of the two (2) leases as per enclosed list is limited to 111.8570 hecets. only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu, Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:—

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 24th April, 2000.

Details of 3 (three) Mining Leases.

Name of the Lessee & Address: Firm M/s. Panduronga Timblo Industries, Subhash Timblo Bhavan, Post Box No. 242, Margao - 403 601, Goa.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka & District	Minerals	Number, date & title	Area in (hects.)
1	2	3	4	5	6	7
1.	Z-76	Perchotembo	Batti Cumbari, Sanguem, South Goa.	Mn	37 of dt.13-10-1950	69.8630
2.	Z-204	Perchotembo	Batti Cumbari, Sanguem, South Goa.	Fe & Mn	54 of dt. 13-7-1952	41.9940
						Total : 111.8570 hecets.

**NOTE EMBODYING THE FACTS OF CASE, PLEAS
OF THE PARTIES & REASONS FOR THE ORDER**

Case No. CML/Z-76/2000.

Name of the lessee : M/s. Panduronga
Timblo Industries,
Subhash Timblo
Bhavan,
Post Box No. 242,
Margao-403601, Goa.

Date of the lease : }
Mineral(s) : } As per enclosed list.
Area and Location : }

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposal for modification of the above mentioned mining lease was sent to the lessee M/s. Panduronga Timblo Industries, P. B. 242, Margao and the lessor- the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated held by the lessee.

3. The case was also taken up for hearing on 21-02-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 21-02-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98,
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from

the date of assent i.e 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 5-2-2000 duly signed by the lessee/attorney to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder.

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceeding from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Act are

consistent & Section 16 of MM(R&D) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w. e. f. 15th January, 1966. However, the period of the lease(s) is not changed as the same already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th January, 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 24th April, 2000.

Order

Case No. CML/Z-179/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 28-3-1952 (29/52) for Iron (Ore) held by Shri Panduronga Timblo, Post Box No. 242, Subhash Timblo Bhavan, Margao, Goa for permanent period, area 83.1580 hectares in Village (s) Rivona, Taluka Sanguem, district South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows :

- (i) Area: The area of the lease is limited to 83.1580 hectares only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu, Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by the order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development), Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 24th April, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-179/2000

Name of the lessee : Shri Panduronga Timblo,
P. B. No. 242,
Subhash Timblo Bhavan,
Margao, Goa.

Date of the lease : 28-3-1952 (29/52)

Mineral(s) : Fe

Area and Location : Rivona, Taluka Sanguem,
South Goa, Goa

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposal for modification of the above mentioned mining lease was sent to the lessee Shri Panduronga Timblo, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated held by the lessee.

3. The case was also taken up for hearing on 21-02-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 21-02-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mine and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i.e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 5th February, 2000 duly signed by the lessee/attorney to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder.

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceeding from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Act are consistent & Section 16 of MM(R&D) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w. e. f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th January, 1966 which confers the powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 24th April, 2000.

Order

Case No. CML/Z-131/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas four cases were registered for the modification of terms of 4 mining leases dated as per enclosed list, for as per enclosed list held by Shri Gurudas Timblo, Kadar Manzil, P. B. No. 34, Margao, Goa for permanent period, area 322.2585 hectares in Village(s) as per enclosed list, district South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows :

- (i) **Area:** The area of four (4) leases as per list enclosed is limited to 322.2585 hec. only.
- (ii) **Period:** No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu, Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:—

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development), Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 25th April, 2000.

Details of 4 (four) Mining Leases.

Name of the Lessee & Address: Shri Gurudas Timblo, Kadar Manzil, Post Box No. 34, Margao - 403601, Goa.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka & District	Minerals	Number, date & title	Area in (hec.)
1	2	3	4	5	6	7
1.	Z-131	Bhutambalcho Dongor	Verlem Sanguem South Goa	Manganese Ore	51 of 21-7-1951	67.4820
2.	Z-32	Gogolaembo	Molcomem, Sanguem, South Goa	Iron and Manganese Ore	11 of 4-11-1949	65.2030
3.	Z-89	Palcapanacho	Pirla Sanguem	Iron and Manganese Ore	8 of 9-2-1951	97.2135
4.	Z-56	Ondeacalil Mol-E-N. Sodo	Pale, Bicholim	Iron and Manganese Ore	17 of 27-3-1950	92.3600

Total Area : 322.2585 hec.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-131/2000

Name of the lessee : Shri Gurudas Timblo,
Kadar Manzil,
Post Box No. 34,
Margao, Goa-403601.

Date of the lease :
Mineral(s) : } As per enclosed list.
Area and Location :
Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause

notice containing the proposal for modification of the above mentioned mining lease was sent to the lessee Shri Gurudas Timblo, Margao, Goa, and the lessor - the Government of Goa calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated held by the lessee.

3. The case was also taken up for hearing on 21-02-2000 at Goa for enabling both the parties to put forward their case.

4. At the time hearing on 21-02-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mine and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i.e 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 1st February, 2000 duly signed by the lessee/attorney to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder.

that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim

order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceeding from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Act are consistent & Section 16 of MM(R&D) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w. e. f. 15th January, 1966. However, the period of the lease(s) is not changed as the same already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification, of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 25th April, 2000.